

EXHIBIT K

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
XENOMICS, INC.

09 Civ. 10192 (RMB)

Plaintiff,

-against-

**VOLUNTARY
DISCLOSURE
PURSUANT TO RULE 26**

SEQUENOM, INC.,

Defendant.
-----X

Pursuant to F.R.C.P. 26(a)(1), plaintiff, by its attorneys, Jaroslawicz & Jaros, hereby provides its Initial Disclosure Statement in the above-entitled matter:

This Initial Disclosure Statement, and any accompanying documents, are provided without waiver of, and while reserving, the following:

- (a) all objections to the competency, relevancy, materiality, privilege and admissibility of the information and documents disclosed, including at the trial of this action, appeal, and any other action or proceeding;
- (b) the right to invoke attorney-client privilege or work-product doctrine with respect to any information or documents that were inadvertently disclosed by the plaintiffs in, or with, or through, this Initial Disclosure Statement;
- (c) the right to object to any other demands or requests for discovery or production of information and documents in this action, or any other actions; and

(d) the right, at any time, to amend or supplement this Disclosure Statement and any of the information and documents provided herein, based on any further information obtained through discovery and/or further proceedings in this action.

A. PERSONS WITH RELEVANT KNOWLEDGE

Plaintiff believes the following witnesses have information:

Samuil Umansky
Kyra Scheinerman (Umansky's daughter)
Paul Rubin
Gary Rubin
Ian Clements
Gary Anthony
Clarke W. Neumann
Paul Hawran

B. DOCUMENT PRODUCTION

- (1) Agreement at issue between the parties;
- (2) Defendant's documents showing why it fired chief executive officer Harry Stylli; the senior vice president of research and development Elizabeth Dragon; Paul Hawran, the chief financial officer; and Steven A. Ownings, vice president of Commercial Development.
- (3) Defendant's documents showing what was erroneous about the tests.
- (4) SEC filings of the defendant from 2006 to date.
- (5) Press releases of the defendant from 2006 to date.

C. COMPUTATION OF DAMAGES

Rescission of the agreement, including the return of intellectual property;

Damages for the projected value of the royalties;

Other damages, including punitive damages to be fixed by a jury, which are believed to be approximately \$300 million;

Out of Pocket Expenses:

\$200,000 in legal and other costs to prepare the agreement which is requested to be rescinded;

Legal fees incurred by Xenomics in this case.

D. EXPERTS

At the present time, plaintiff has not retained experts to testify at trial. Plaintiff will exchange expert disclosure pursuant to Rule 26(a)(2)(B) under separate cover after fact discovery has been completed.

Dated: New York, New York
January 13, 2010

JAROSLAWICZ & JAROS, LLC
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By: 

David Jaroslawicz

TO:

COOLEY GODWARD KRONISH LLP
Attorneys for Defendant
1114 Avenue of the Americas
New York, New York 10036
(212) 479-6176

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)


Rochelle Meyer, being duly sworn, deposes and says:

That she is over eighteen years of age, is not a party to this action; and is employed by the attorney for the plaintiff(s) herein. That on January 13, 2010 she served the within:

Voluntary Disclosure Pursuant to Rule 26


upon the following, at the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

By Mail & By Email swieder@cooley.com
COOLEY GODWARD KRONISH LLP
Attorneys for Defendant
1114 Avenue of the Americas
New York, New York 10036



Rochelle Meyer

Sworn to before me this
January 13, 2010



Notary Public

DAVID JAROSLAWICZ
Notary Public, State of New York
No. 02JA7075140
Qualified in New York County
Commission Expires August 20, 2010